IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

Bail Appl..No. 7726 of 2006()

CRIME NO. 686 OF 2006 OF KOTTIYAM POLICE STATION

PETITIONERS

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1. ABDUL MANAF @ MANAF,
PUNNAVILA VEEDU, VELICHIKALA P.O.,
PALLIMON, KOLLAM.

2. SHIHABUDEEN,
ROADVILA PUTHEN VEEDU, VELICHIKALA,
ADICHANALLOR, KOLLAM.

BY ADV. SRI.R.KRISHNA RAJ

RESPONDENTS:

SUB INSPECTOR OF POLICE,
KOTTIYAM, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.K.S. SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 28/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 7726 of 2006

DATED: 28th February 2007

O R D E R

Petitioners who are accused Nos. 4 and 5 in Crime No. 686 of 2006 of Kottiyam Police Station for offences punishable under Sections 266 A and 376 read with Sec. 34 I.P.C. seek anticipatory bail.

2. The learned Public Prosecutor opposed the application.

3. Their earlier application for anticipatory bail filed as B.A. 6958/06 was dismissed by this Court noticing their involvement in the occurrence and holding that anticipatory bail cannot be granted in a case of this nature. Thereafter, the petitioners have again approached this Court with the present application for anticipatory bail.

4. According to the learned counsel for the petitioners, the petitioners were not initially implicated by the victim/ de facto complainant and that the so called additional statement said to have been given by her is really not true and that the investigating agency was acting illegally in creating records to falsely implicate the petitioners. These are matters which the

petitioners can very well put forward before the Magistrate in an application for regular bail. I am not inclined to grant anticipatory bail to the petitioners. There is no reason why the petitioners should not surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate concerned and files an application for regular bail within two weeks from today, the same shall be considered and disposed of preferably on the same date on which it is filed after examining the contentions of the petitioners.

With the above observation this application is disposed of .

V.RAMKUMAR, JUDGE.

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